XXVth Year.] T H E [No. 1736.]

ARYLAND GAZETTE.

F R I D A Y, April 21, 1780.

the PEOPLE of MARYLAND.

NUMBER IV.

FOR crimes, which are denominated
felonies within the benefit of clergy,
the only puniſhment for the firſt
time is burning in the hand, and,
at moſt, a diſcretionary impriſon-
, not exceeding one year. After this, the
is diſcharged from all other offences of the
kind before committed; he is reſtored to all
pacities and credits; and it would even be
able to call him a felon. The ſlighteſt at-
on will demonſtrate, that this puniſhment
uch gentler than that of many inferior
s. Here then is a violation of proportion;
ither the clergyable offences muſt be guard-
ainſt, by ſeverer penalties, or the puniſh-
of inferior crimes muſt be mitigated.
would be foreign to my purpoſe to examine
origin of this benefit of clergy; in all felo
, whether new created, or by common law,
uſt be allowed, unleſs taken away by the
ſs words of a ſtatute. It extends to biga
manſlaughter, and ſimple larceny.
he benefit of clergy, if it were only for the
rdity of its name, and its principles ſhould
boliſhed; burning the hand of a layman was
ably intended, in the beginning, as a mark
which the offender might be known upon a
nd arraignment; as a puniſhment, it is by
eans adequate to the crime of bigamy. He
is guilty of this offence, diſturbs the order
h is wiſely eſtabliſhed in every chriſtian
ntry; and if he has uſed deception, as is
monly the caſe, with the ſecond wife, the
ry cannot be thought inferior to a rape; but
e was conuſant of the prior marriage, I
ld only puniſh him with a little more ſeverity
n I would a common adulterer. The injury
h the firſt or the ſecond huſband ſuſtains by
offence, committed by a woman, is not ſo
derable; ſhe ſhould therefore be viewed in
newhat worſe light than an adultreſs.
n all caſes it ſhould be left to the diſcretion
he firſt huſband, or wife, to diſſolve the bond
arriage.
he penalty for a rape, and for the ſeduction
woman by the ſolemnity of a marriage,
ld be nearly the ſame: in the latter caſe it
re equitable, that the offender ſhould ſub-
to an *infamous* corporal puniſhment; I mean
firſt part of that puniſhment which was in-
d by William the conqueror; he ſhould
iſe be totally diveſted of his property, one
to be given to the injured wife, provided ſhe
ſe to diſſolve the marriage, and the other to
woman upon whom he has practiſed ſo vil-
an impoſition. The ſame corporal pu-
ment might be proper for a rape, and the
penſation might be ſafely truſted to the diſ
ion of the judges, upon a conſideration of all
circumſtances of the evidence.
he killing of a man is ſometimes the conſe-
nce of duelling.
here is no occaſion for an elaborate argu-
t, to expoſe the cuſtom, which obliges a man
ur to revenge an inſult, by inviting the
der to a fair and equal combat; but not-
ſtanding its manifeſt abſurdity, and the
lation of divine and human laws, there is
ing can ſhield from contempt the man who
y *ſubmits to an affront, or refuſes a challenge.*
s not that diabolical malice, which renders a
unfit to remain in ſociety, that calls the
liſt into the field; he goes to preſerve the
opinion of the world, and wiſhes that fate
turn aſide the ball he aims at his antagoniſt,
whom his reſentment has ſubſided. I
not therefore rank him with a murderer.
ſeverity of the law, inſtead of repreſſing the
has evidently encreaſed it, by furniſhing an
itional incentive to the man, who imagines
the high *point of honour* conſiſts in defying
ger; and unleſs the legiſlature can deviſe
e means to render duelling diſhonourable,
e is nothing can aboliſh a cuſtom which go-
s the beſt men, and every where prevails in
of the ſevere edicts and decrees of many
es aimed againſt it.
il this ſalutary proviſion can be diſcovered,
ſhould be politic to conſider the killing of a
n, in a fair and equal combat, as a ſpecies of

manſlaughter, which is defined, “the unlawful killing another, without malice expreſs or implied.”

The eſſential difference between voluntary manſlaughter and murder is this; the latter is committed upon cool, deliberate, malice; the former during the heat of reſentment; and, in the puniſhment, the law reſpects the frailty of human nature. Is it not as reaſonable to grant ſome indulgence to a miſtaken notion of honour, which is the frailty of none but noble minds, as to that petulance and iraſcibility, which we inherit in common with the brute creation?

The degrees of guilt are different in almoſt every homicide which amounts to manſlaughter; it therefore ſeems expedient, that the law ſhould determine the nature of the puniſhment, and leave it to the judges to adjuſt the meaſure. On this account, fine and impriſonment are certainly more ſuitable than burning in the hand, or any other definite puniſhment, of which a ſlight tranſgreſſor could not fail of procuring a remiſſion, upon application to the diſpenſing power.

If a due proportion between the crime and the penalty were obſerved, this power would be rarely exerted. Although I am no advocate for the ſeverity, I moſt ſtrenuouſly contend for the certainty of penalties; I am fully convinced, that, without it, many of our laws will be deſpiſed and trampled upon.

We have an act of aſſembly, which puniſhes ſimple larceny, where the theft does not amount to 1000 lb. of tobacco, by whipping, pillorying, and an obligation to pay four-fold to the party upon whom the depredation has been committed; this law is wiſe and equitable, and therefore the penalty is never remitted. I wiſh the legiſlature would extend it, with ſome improvements, to every ſpecies of larceny, and to every ſecret deſtruction of property, not amounting to arſon, or *tending to endanger the life of a human creature.*

The purloining of bonds, bills, notes, and other writings, ſhould be put upon the ſame footing as ſtealing the money they are meant to ſecure; the ſtealing of any writings relating to a real eſtate, except wills, is not puniſhed as a crime; but theſe diſtinctions between goods that *ſavour of the realty*, or thoſe which are not *ſevered from the freehold*, and *moveable chattels*, are ridiculous. It is not leſs injurious or immoral to invade a garden, an orchard, or a corn field, in a ſecret manner, and to take away the produce, than to ſteal a moveable chattel.

I am ſenſible that I argue againſt the prejudices of mankind, when I contend for a mitigation of the puniſhment for horſe ſtealing, and robbery on the high way; I may probably be honoured with the epithets of *theoretical, weak, and viſionary*; but they will give me little pain, provided I can convey ſome uſeful hint to thoſe who have power and inclination to improve it.

Of robberies, the inſtances are very rare; horſe ſtealing is practiſed every day; and the experience we have had of the inefficacy of the law made to prevent it ſufficiently evinces the truth of this obſervation, “*that crimes are more effectually prevented by the certainty than the ſeverity of puniſhment.*” The penalty, being an outrage on the feelings of humanity, is never inflicted but upon the moſt notorious offenders; it has therefore loſt its terrors, and that wretch, whom rigid fate condemns to ſuffer, may deem himſelf peculiarly unfortunate. I would have the penal law upon ſuch a footing, that an injured party may not be reſtrained, by a venial tenderneſs to the life of the offender, from proſecuting; that juries, from the ſame motive, may not incline to miſconſtrue the evidence; and that pardon, after a full conviction, may not be granted, almoſt indiſcriminately, to every offender.

My propoſition therefore is, that for every ſpecies of larceny, and for every ſecret deſtruction of property, not amounting to arſon, or tending to endanger the life of a human creature, the benefit of clergy, and the pains of death, ſhould be exchanged for diſcretionary impriſonment, whipping, pillorying, and an obligation to repair the private wrong by ſervitude, or works of the moſt ſlaviſh kind. A ſimilar kind of puniſhment is equally adapted to every kind of forgery, and to the embezzlement of deeds or other writings. I believe the courts have never thought themſelves authoriſed to extend any of the Engliſh penal ſtatutes, enacted ſince “our firſt migration,” but, unleſs ſome of theſe ſtatutes have been introduced, the law does not puniſh one tenth of the offences of this claſs, and muſt therefore be acknowledged to be extremely defective.

If I did not think myſelf better qualified for ſuggeſting ſhort hints, than propoſing regular ſchemes, I would delineate a plan for employing delinquents, till the ſentence for reparation ſhould be fulfilled; beſides ſuſpenſion is ſo expeditious a mode of ridding the community of a troubleſome member, and the erroneous opinion of its efficacy, by way of example, is ſo obſtinately rooted, that I deſpair of ſeeing mankind inſpired by ſentiments of juſtice and *moderation.*

Burglary, or the offence of breaking and entering a manſion houſe in the night, with an *intention to commit felony*, may tend to produce murder, but does not diſcover a depravity of heart beyond the hope or probability of amendment; the putting the inhabitants into fear, and the probable conſequences, conſtitute the only guilt, which is properly cognizable by an earthly tribunal. It is extremely odd, that this ſhould be almoſt the only caſe in which the law of England puniſhes the bare intent, which can only be collected from preſumptive evidence. I would puniſh the “breaking and entering,” in the ſame manner as larceny and deſtruction.

I may be ſuſpected of wanting a zeal for true religion, by attempting to extenuate the guilt of blaſphemy. After denouncing ſevere penalties for the firſt and ſecond offence, our act of aſſembly has decreed death for the third: but has this law, which was dictated by the genuine ſpirit of perſecution, been executed in a ſingle inſtance? How much wiſer, and more effectual would it be, to bind a blaſphemer to his good behaviour, upon information of the firſt offence, and to make the recognizance forfeitable upon a conviction of the ſecond.

Adultery is a ſubject, which, in theſe days, muſt be handled with caution. I will not even undertake to determine, whether it ſhould be conſidered as an indictable offence; our ſentimental lawgivers of 1715 ordained, that an adulterer ſhould be fined £. 3. If the penalty is proportionate to the crime, there is no neceſſity for an alteration of the law.

A REPUBLICAN.

For the MARYLAND GAZETTE.

NUMBER VII.

THE facility with which the miniſtry of England have conceded to the remonſtrances of Ireland, and admitted the idea of an equal trade, is an evidence of their determined purpoſe to carry on the war againſt America. It is uſual for thoſe who have ſome main point in view, to ſacrifice leſſer matters, in order to carry thoſe where their paſſion, or their intereſt, is more engaged. In the preſent caſe, it ſeems to be the policy of the enemy, to ſtrike away every ground of difference amongſt themſelves, to ſacrifice every intereſt at home and abroad, in order to proſecute the war againſt this country. The policy of lord North, in propoſing a repeal of every law reſtrictive of the trade of Ireland, and giving her an equal trade, is of this nature. Taught by experience of the bad effect of the councils with regard to America, he has been willing to ſatisfy, in ſome degree, the demands of Ireland, in order that he may obtain the hearty concurrence of that kingdom in the war. Whether this kingdom may be fully ſatisfied with theſe terms, ſhort of independence, I cannot tell; but if ſatisfied, there is danger that, according to the expectation of the miniſtry, ſhe may concur in the views againſt America: if ſo, there is a wide difference between a cold and averſe mind, and that which ſhe may now diſcover. It is natural for perſons who have found men in their opinion, reaſonable with reſpect to them, to believe that they are, and ever have been ſo, with regard to others. I find it in the language of the London papers, that “a compromiſe of the differences with Ireland may bring about a reconciliation with the enemy and I take notice of the toaſt drank in Limerick, at the rejoicing on the occaſion of the news of lord North's propoſitions, "peace with America, and war with all the world."

That Ireland may be ſatisfied with the propoſals of lord North is poſſible, if we conſider that ſhe has been long depreſſed, and accuſtomed to a worſe condition; it is natural for men to eſtimate advantages, not ſo much from their intrinſic value, as by a contraſt with diſadvantages under which they may have laboured. Take off the irons of a priſoner, and he will be happy for a while, though you ſtill confine him. If Ireland ſhould be ſatisfied, it will be poſſible that our enemies, in this hour of her good humour, may draw great aſſiſtance of men and money, from her voluntary concurrence in the war.

When we ſurvey theſe circumſtances, which beſpeak determined enmity on the part of Britain, ſhall we ſtill conduct ourſelves on the principle of temporary proviſions, for the war, which, in our opinion, the enſuing campaign may terminate? I am perſuaded the enſuing campaign will not terminate it. Let us, then, reject the idea and the language too often uſed, that if we can make a ſhift this ſummer, a negotiation will take place, and all matters will be ſettled. It is time that we quit the rocks and the ſhoals of this dangerous coaſt; that we furniſh ourſelves with a compaſs, and attempt the wide ocean, for there only ſhall we be ſafe, and have it in our power to make the port, the end of our navigation.

An Anti-Anglican.

NUMBER VIII.

Addreſſed to the Inhabitants of IRELAND.

Citizens,

IT cannot ſo well be ſaid that the fire of liberty, on this continent, has kindled up the fire on your iſland, as that originating thence, it has ſpread to theſe borders. For we are many of us your deſcendants; and ſome of the beſt officers and ſoldiers of our army, are of your nation. The Iriſh Americans, in this conteſt, have manifeſted an excellent ſpirit, and few, very few, of that origin have joined the enemy. The politeneſs of your nation to our priſoners, which have been taken by the enemy, and carried into your ports, is an evidence that you do not diſdain to be called our anceſtors, or think that our actions diſgrace you.

We were happy to find, from the commencement of this debate, that in all our meaſures, we had your moſt cordial approbation. This was declared to us by volunteers who have left your ſoil, and have fought with us in the war. It was farther manifeſted by the opinions of writers, and the ſpeeches of your repreſentatives in parliament, and of thoſe of your nation who had a ſeat in the parliament of Britain. We were no leſs happy to perceive, that ſeizing the opportunity which our reſiſtance afforded, you had remonſtrated to that nation who had ſo long laid reſtraints upon your commerce, and oppreſſed you in your privileges, as an independent people. We marked the early progreſs of your patriotiſm, and ſaw it riſe to a noble height, with that pleaſure, which a ſenſe, that it was laudable in itſelf, congenial with our own, and directly for our deliverance, could alone give. We rejoice that you have ſo far ſucceeded, that the enemy, humbled in their minds, are willing to concede to you what they have called an equal trade, though that muſt be ſtill cramped with reſtraints on your commerce to theſe ſtates; and a lord lieutenant preſides over you, who has a negative on all your laws, and is appointed by the crown. For we conſider theſe conceſſions of the enemy, as an evidence, that you have it in your power to aſſert your independence.

That you have been heretofore ſubdued by England, and ſtill in ſome meaſure under the dominion of that power, has been owing not to your want of native ſpirit, but to the unhappy diviſions, which, from the many ſovereigns, that exiſted early on your iſland, and the difference of religion which has ſubſiſted ſince, have prevented you from making one united and entire reſiſtance. Your clime is favourable to the growth of valour; your inhabitants, according to the account of all writers, have evinced the moſt heroic fortitude, in your ſeveral ſtruggles for liberty. Every nation of Europe is witneſs of their gallantry abroad, and to know that a man is brave, it is ſufficient to ſay that he is an Iriſhman. Is it then conſiſtent with your honour, that you ſhould remain in any degree ſubordinate to that kingdom; the ſatellite of a larger planet, that you ſhould encreaſe her glory, who has oppreſſed you while ſhe had it in her power? Is it conſiſtent with your intereſt, to ſuffer a reſtraint of trade, and that a governor, by a negative on all laws for the public good, ſhall have it in his power to ſcrew you up to what grants of money he ſhall pleaſe? Is it conſiſtent with your ſafety to place confidence in her promiſes, who will not heſitate to withdraw every privilege, and execute her reſentment at a future period, for the trouble you have given in this moment of the perplexity of her affairs? It muſt be more your honour, your intereſt, and your ſafety, to form an alliance with the houſe of Bourbon, and with theſe ſtates; to ſhine the center of your own ſyſtem, and be no longer the attendant of the hated kingdom. Though Britain grants you an equal trade, for the preſent, ſhe will deny this; recovering courage with the abſence of danger, ſhe will repent of her approach to equity, and ſtep back to deſtruction once more. It is eternally unſafe to live connected with a neighbouring people of the ſame manners, the ſame language, and of ſuperior ſtrength. The propinquity of ſituation will give opportunities, and the influence ariſing from the ſameneſs of language and ſimilarity of manners, will inſenſibly prevail and eſtabliſh an intereſt in the ſmaller kingdom*.

Should it ſo happen, that for reaſons known to yourſelves, for indeed we do not know of any, you ſhould be willing for the preſent to reſt ſatisfied with conceſſions of the enemy; yet we are perſuaded, you will continue ſenſible of the juſtice of our cauſe, and that it is not in the power of theſe ſtates to accept of any terms ſhort of independence. You will form no weight againſt us, by contributing one ſhilling to carry on the war, or by ſending any of your gallant ſpirits for the purpoſe of reducing us. It would be hard if the fire whoſe glory we have beheld with admiration, ſhould flaſh, in lighting on ourſelves. Rather let your ſpirit check the hoſtility of Britain; uſe the aſcendant you have obtained by your proweſs to divert her from the vain and impious thought of ſubduing this country.

It is neceſſary for your ſafety that America ſhould be independent. If in any ſhape we ſhould, again, become connected with that iſland, by means of the influence which ſhe may eſtabliſh here, having already many friends, ſhe may have it in her power to triumph over both you and us. While we continue independent, we ſhall form a check on her councils, awe her deſigns againſt your kingdom, and, if in ſome unguarded moment, ſhe may take advantage of your ſituation, it will be the glory of America to preſerve the liberty of Ireland.

An Anti-Anglican.

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* *Monteſquieu.*

For the MARYLAND GAZETTE.

IT was an obſervation of Cato the elder to the Romans, "that they either ſet little value on their offices, or that no man of character and abilities would ſerve them." I congratulate my countrymen that this obſervation of the old cenſor is not applicable to them, or their offices. I ſincerely congratulate them that they have men of character and abilities, whoſe zeal, and attachment to their country, are now ſo well eſtabliſhed on the credit of their ſervices, and their alacrity to accept of, and diſcharge the duties of public employments, that a reaſonable doubt cannot be entertained of their ſincerity and patriotiſm. A late choice of a moſt celebrated character in this ſtate, to fill one of the moſt important truſts, has occaſioned theſe remarks. It is at once a ſtrong proof of the wiſdom, and ſteadineſs of that body, which appointed him, and of the approved virtue and public ſpirit of the gentleman, who has been ſo honourably diſtinguiſhed. It would be a matter of curious and uſeful ſpeculation, to enquire into the principles upon which that appointment was founded, and into the preceding conduct, and ſentiments of the gentleman himſelf. The writer of this has every reaſon in the world to believe, that ſuch an enquiry would be perfectly agreeable to both parties, as it would inevitably place that tranſaction, and his character, in ſo open and fair a point of view, that the moſt malevolent mind muſt deſpair of fixing the ſlighteſt imputation of blame on either, and the moſt weak and prejudiced eſcape the miſchievous effects of deluſion. Inquiſitive men, unacquainted with affairs, and thoſe of weak intellects and little penetration, will be apt to ſuſpect that this choice proceeded rather from thoughtleſſneſs and inattention, than from mature deliberation, and deſign. This will lead them to enquire into the reaſons that have wrought a change ſo unexpected in our public councils; and from what principle it could flow that one diſcarded from the public ſervice, on pretence of his wanting that attachment to the eſtabliſhed government, which every perſon employed in its ſervice ought to poſſeſs; I ſay ſuch men will buſy themſelves to diſcover what motives could influence an appointment of the ſame perſon, at no very diſtant period of time from his diſcharge, without any
intervening proofs, or, they will add,
bable ſuſpicion that he has, indeed can
ſentiments. Others, who are diſſatisfied
the preſent adminiſtration of affairs, whoſe
pers are ſoured by diſappointment, and a
to thoſe meaſures they are not allowed, or
not capacity to conduct, will vent their
in idle reports, and groundleſs aſſertions.
will endeavour to diſturb and confuſe,
they cannot aſſiſt, or are not ſuffered to
The preſent inſtance is a ſtrong confirmation
theſe remarks: for what but ignorance
doubt of, or malice arraign, the wiſdom
propriety of that appointment? Men of
judgment, and actuated by other principles,
cheerfully acquieſce in a meaſure, calculated
anſwer all the valuable purpoſes, that
derived from an able and prudent choice.
will readily diſcern the futility of the obje
that have been raiſed againſt it. The enemies
that gentleman cannot accuſe him of an
unbecoming his character or ſtation. His
duct under the old, as well as preſent go
ment, have ever manifeſted the moſt pure
diſintereſted regard to his native land.
character of a courtier, and the emolument
office he ever deſpiſed. I am confident his
inveterate adverſaries can only object a few
guarded expreſſions to him, which can have
weight with the generous and candid; and wh
it is conſidered that the ſentiments they co
were expreſſed at a moſt critical period;
period when his fortitude and reſolution
naturally forſake him, amidſt the perp
and confuſion that are unavoidably occaſ
by the uncertainty of events. An obſcure p
pect neceſſarily affects the mind with glo
ideas; and he muſt have more than the fo
tude of a man, who can, on very trying oc
ſions, withſtand their rude aſſault. Such c
derations as theſe will determine the opinion
the worthy and judicious. They will m
every juſt and favourable allowance for the in
mities of nature, and will patroniſe a m
whoſe only fault, if it may be deemed ſo,
weakneſs of nerves, and not a deficiency of
triotic reſolution. Calumny, when artfully d
rected, may injure the beſt eſtabliſhed characte
the means that are uſed for this purpoſe are c
culated to prevail on inconſiderate, and vio
tempers; with theſe they ſeldom fail of ſucce
and we have too much reaſon to lament tha
theſe is compoſed too great a proportion of m
kind. I mean not to write a panegyrick on
above gentleman at the expence of ſuch m
thoſe who know him as well as I do, will
ſuſpect me of it, they are ſenſible that his re
tation requires not ſuch a ſupport. My inte
tion is to vindicate, in a few words, an inj
character, and to juſtify thoſe principles, up
which it has been reſtored to credit and co
dence. It is not my purpoſe to enter in
minute detail of this ſubject. What I have
is ſufficient to ſatisfy thoſe, who are diſpoſed
be convinced by fair and obvious reaſons;
who have not that diſpoſition are unworthy
the attention of

CENSO

BOSTON, *March* 10.

CAPTAIN Adams, who arrived here
Saturday, brings the following intelli
gence:

That he ſailed from Martinico the 22d of Fe
bruary; two days before he ſailed, count
Graſſe and admiral Picquet arrived from a cru
with nine ſail of the line, and joined ſix
more which lay at Martinico: the day before
ſailed, a ſhip arrived from Bordeaux, in 45 d
paſſage, and brought advice, that admiral
lay at the iſle of Rhee, with 16 ſail of the line,
fleet of merchantmen and tranſports, w
10,000 troops on board, deſtined for Marti
That admiral Arbuthnot, with part of his fl
were blown off the coaſt of Carolina, and
arrived at St. Chriſtophers. The fleet fr
France were daily expected when he left M
tinico.

March 30. Saturday laſt arrived at New-Lo
don a letter of marque ſloop, of 10 guns,
St. Kitts bound to New-York, with eighty h
ſheads of rum, prize to the privateer ſhip ——
captain Smedley, from New-London.

Friday laſt arrived at Marblehead a prize
of about 250 tons burthen, laden with 1800 b
rels of flour and 1400 barrels of beef and po
She was one of a fleet of victuallers bound fr
Europe to New-York, and taken by the Am
belonging to Newbury-Port.

By this prize we learn, that a motion
been made in the houſe of commons of Gr
Britain, for declaring the American co
independent, but was carried in the negative
a majority of 50.—And that after this
motion was made, that as his excellency

ams, Eſq; a member of the American con- ſs, had arrived in France, with full power to at (by approbation of our illuſtrious allies) lative to a peace, a vote was carried, by a ma- rity of 54, to chooſe a committee to make a port of what might be judged proper to be ne at the adjournment of the Britiſh parlia- ent, which was to meet on the 18th of January .

We hear that a prize ſhip, laden with 18,000 ſhels of black oats, bound from England for eorgia, is taken by a New-London privateer, d ſafe arrived at Newport.

WORCESTER, *March* 23.

By ſeveral gentlemen from Boſton, we learn at a veſſel has lately arrived there from Eng- nd, after a paſſage of about ſix weeks. As the oſt is not arrived from the capital, we are not ble to give our readers all the intelligence rought by this veſſel; and ſhall only obſerve, at we are informed, that the maſter was taken n an American bottom ſome time ago, and car- ied into England; that he there got favour ſo r as to be appointed to the command of the eſſel before mentioned, which was bound to ew-York, with a number of others, with ſtores, c. for the Britiſh army, but being ſeparated rom the other veſſels in a gale of wind, he bore way for Boſton, where he arrived; it is ſaid hat the Britiſh papers, brought by him, contain n account of a warm engagement between the panish and Engliſh fleets off Gibraltar, wherein he former had four frigates taken, and four elonging to the latter blew up; that the Spani- rds had quitted their attack upon that place, nd the Engliſh had reinforced the garriſon; hat great preparations were making for war in everal parts of Europe; that no force of conſe- quence was like to be ſent to America this pring; that Great-Britain had not got any aſſiſt- ance from foreign powers, but that they ex- pected it; and that a defenſive war would be carried on for the preſent by Great-Britain in America.

PROVIDENCE, *March* 25.

The maſter of a veſſel arrived at Newport in 21 days from Guadaloupe, reports, that two tranſports with troops, being part of the fleet which ſailed from New-York the 26th of Decem- ber, have been captured and carried into that iſland; alſo that 35 ſail of them had arrived at St. Chriſtophers, much damaged by the ſevere ſtorm that happened ſoon after they left New- York.

PHILADELPHIA, *April* 12.

Extract of a letter from Elizabeth-town, dated April 6.

"I have juſt received intelligence of the ſail- ing of the Britiſh fleet out at Sandy-Hook yeſter- day morning. They conſiſted of ten ſhips and ſeven brigs. The troops on board are the 42d regiment, one battalion of the guards, the An- ſpach regiment, lord Rawden's brigade and Sim- coe's foot, amounting in the whole to about 2000. There is not one horſe gone on board. They are convoyed by the Rainbow, the Delight and the Swift brig, and it is ſaid they expect to be met with at ſea by the Galatea and Thames fri- gates, which left New-York laſt week with the packet. It is reported that Sir H. Clinton's hea- vy baggage is gone in the fleet."

The Dean frigate has ſent into Boſton a prize ſhip, with 400 hogſheads of Jamaica ſpirit, bound for New-York.

Extract of a letter from Bilboa, dated February 1.

"We are ſorry to ſay that an unlucky acci- dent has happened to eight ſail of Spaniſh line, who cruiſed off Gibraltar; they, being ſeparated from ſome others, fell in with Rodney's fleet of twenty-one of the line, and a number of frigates. The Spaniſh admiral, Mr. Langara, endeavour- ed to get away, but finding it impracticable, he determined to engage; and there followed a moſt deſperate engagement from two o'clock in the afternoon, until four the next morning. We have but an imperfect account as yet, but we hear that four of the Spaniards got into Ca- diz, one, the St. Domingo, was blown up, and two or three were taken, quite unfit for ſervice; ſhould the bearer be detained till next poſt, will inform your excellency at foot. This affair happened on the 10th ult. and on the 13th, a fleet of twenty-four ſail of the line ſailed in queſt of the Engliſh, ſo that ſome farther event is daily expected, and wiſh ſincerely may prove ſucceſsful to the allies of the ſtates. Six of the Spaniſh men of war were engaged with all the Engliſh fleet, and there are but three miſſing. The engagement does the greateſt honour to this nation, as they diſabled half the enemy's."

The Alliance, captain Paul Jones, is ſafe at Corunna, and captain Cunningham along with him.

For the MARYLAND GAZETTE.

THE houſe of delegates originated a bill, by which it was enacted, that all the property (debts excepted) of Britiſh ſubjects, within this ſtate, ſhould be confiſcated, and veſted in the ſtate, to be diſpoſed of as the general aſſembly ſhould direct. I attended the debates in the ſenate, on this very important ſubject, and ſend you the ſubſtance, to be inſerted, for the peruſal and information of the public.

A BYSTANDER.

Debates *on the bill for ſeizure and confiſcation of Britiſh property,* in the ſenate, *April* 14, 1780.

C. Carroll of Car. The refugees ought to have a choice to ſtay in Great-Britain, or to return to this ſtate; a bare reſidence there may not be of neceſſity, but choice; and it is concluſive teſtimony that the legiſlature of this ſtate did not conſider them as Britiſh ſubjects, by impoſing a treble tax on them, by the act for the better ſecurity of government. The declaration of rights ſecured all property acquired under the old government, which was not diſſolved at the revolution, ſo as to return to a ſtate of nature, and the property ſo ſecured cannot be taken from the proprietors, without a breach of our declaration of rights. We have heard of the omnipotence of parliament and know the abuſe of it, but we are a legiſlature limited, and have no power to exceed the bounds preſcribed by the conſtitution and bill of rights, and it was happy for this ſtate, that the government was limited. Where it not the caſe, popular, ambitious men, of great abilities, taking the advantage of thoſe talents, would overthrow and deſtroy the freedom, rights, and liberties, of the government and people. Every country produces a Cataline, but few a Cato or a Brutus. On the eſtabliſhment of the commonwealth of England (a caſe ſimilar to ours) the royaliſts were not conſidered as aliens, and that age was inventive and fertile in expedients, for raiſing money; they heaped compoſition on compoſition, but did not confiſcate the property of their opponents. If Britiſh ſubjects have done any act, ſuch as bearing arms, &c. you may deprive them of their property; if our ſubjects have done any ſuch act, you may puniſh them as traitors.

At the revolution in England, what was done with the abſentees, at that time in Holland and other parts of Europe, and even with the inhabitants of theſe ſtates? They were not conſidered as aliens.

It may be ſaid, that it would be abſurd that a Britiſh ſubject ſhould inherit here, becauſe of two allegiances; but there is a local and natural allegiance, and there is no abſurdity in the poſition, when this diſtinction is ſet up and attended to. When the French provinces were diſannexed from England, in king John's reign, the natives inherited in England. He quoted Bracton, in ſupport of this doctrine, but referred to no particular part. Blackſtone on alienage and allegiance was alſo quoted. And ſuppoſing them Britiſh ſubjects, they acquired their property legally and conſtitutionally; and therefore ought to hold it.

It would be impolitic to confiſcate Britiſh property, becauſe he was ſatisfied, that in the treaty of peace Great-Britain would ſtipulate for the reſtoration of the property confiſcated, or a compenſation for it. That a gentleman was appointed by congreſs to enter into a treaty of commerce with Great-Britain and it would be extraordinary indeed to open the treaty with a confiſcation of their property. He then alluded to a letter from one of the delegates, in which it was ſaid, that France and Spain might think it reaſonable; and concluded, that he would give up the policy of the meaſure but would not give up the conſtitution, and that no arguments uſed on the other ſide of the queſtion, (and much had been ſaid and publiſhed on that ſubject) had convinced him of his being in an error, but the ſenate might ſtrike out new lights on the ſubject.

Bar. Carroll then roſe and obſerved, that all laws ought to be founded in juſtice, and that it would be the higheſt injuſtice to confiſcate the property of thoſe in Great-Britain, for the want of the ſpirit of divination. They were ignorant of the declaration of independence, or that their rights would be affected by it. No time was given them to come in. The houſe of delegates did not conſider the proprietor as an alien, nor his eſtate as forfeited, or they would not, in a bill originated by them ſome ſeſſions ago have proceeded upon the principle of making a purchaſe from him of his eſtate, or making a compenſation in lieu of it. The bill failed, becauſe they could not agree about the diviſion of the ſpoils; ſome were for making it a fund for the ſupport of the judges; others for ſinking it in the pockets of the land-holders. They did not conſider Britiſh ſubjects as aliens in the caſe of Pellet and Long, or they would not have continued the ſuit on the docket.

The bill for confiſcation of Britiſh porperty in the whole of it is unneceſſary, or unconſtitutional; if Britiſh ſubjects are aliens, they can't hold property in this ſtate; if they are not aliens, it would be a breach of the conſtitution, to take their property from them. This aſſembly are not *dicere* legem, but the queſtion, who are aliens and who not, ought to be left to the courts of juſtice. The bill of rights declares, that the legiſlative and judicial powers ſhould be kept ſeparate and diſtinct. The bill declares Britiſh ſubjects aliens, which would be an uſurpation of the judicial power. He then obſerved, that he had ſworn allegiance to this ſtate, which was not the earth, *air*, or elements, but the conſtitution, which would not permit him to be a judge and lawmaker.

Mr. **Thomas Stone** then roſe, and obſerved, That the bill for the ſeizure and confiſcation of Britiſh property, propoſed by the houſe of delegates, was againſt the principles of reaſon and juſtice, and if conſidered as founded on the declaration of independence, and that by conſequence thereof, Britiſh ſubjects became aliens, the bill muſt fall, becauſe no ſuch inference can be drawn from that act, nor does the declaration ſay, that ſuch conſequences ſhould flow from it.

The conſequences are big with iniquity, and injuſtice, the characters concerned in it would have revolted at the idea, and the breaſt of every honeſt man would have rejected it with indignation. What were the true principles of independence? We were ſubjects of Great-Britain. The tyrant of that kingdom and the parliament thereof declared us rebels and out of their protection; to ſecure ourſelves againſt their arbitrary and oppreſſive meaſures, and to ſecure right, property, and liberty, were the true principles of the declaration of independence, and not to take property acquired before it. The ſubjects of Great-Britain were not informed of the declaration of independence; no notice was given them of it. They were never heard or tried; and juſtice reprobates the puniſhment of perſons neither heard or tried. The juſtice and propriety of a poſition is to be determined by the conſequences that flow from it, and if by a conſtruction of the declaration of independence every man in Great-Britain, became an alien, ſome good men, and thoſe our friends, would be deprived of inheritable blood. I don't underſtand the doctrine of election; what gives an election, but the having property in the ſtate? In what time muſt the election be made, and who is to determine it? If left to the courts of juſtice, ſome would be of one opinion, and ſome of another; ſome would be of opinion that two months, others that 6 months, and others that 18 months, would be ſufficient to make an election. Juſtice requires that men having property in this ſtate ſhould have notice to come in. It is time to interpoſe, not to ſteal a march on them, but to give them notice to come and poſſeſs their property, or it ſhould be conſidered as derelict. If any of the inhabitants of this ſtate have received penſions, or aſſiſted in the war, ſuch men would not come in, and ſtand a trial. That he would agree to take all the profits of Britiſh property, and appropriate them as a fund, and would ſell it abſolutely, if they do not come agreeable to notice, and become ſubjects. If we can deſtroy rights, acquired before independence, we can alſo take away rights acquired under the act for extending privileges to ſubjects of the king of France, paſſed a day or two ago; and the ſenſible and diſcerning ſubjects of that nation will diſcover, that no confidence is to be placed in the act of the legiſlature, extending privileges to them, if a war ſhould unfortunately break out between theſe ſtates and that nation. They will ſay, that if the legiſlature can diveſt the ſubjects of Great-Britain of property fairly acquired, merely becauſe of a war between the two nations, that they muſt expect to ſhare the ſame fate.

He then concluded, by obſerving, that quit-rents ought to be aboliſhed, becauſe it was an odious badge of ſlavery inconſiſtent with our free ſituation, independence, and ſafety, and that it always wounded his feelings as a freeman to pay them under the old government, and that he would concur in any meaſures founded upon the principles of morality and juſtice, but the bill ſent by the houſe of delegates was incompatible with theſe principles, and that it contained a contradiction, in calling the property which was the object of it Britiſh property.

R. Goldsborough obſerved, that the bill was defective, conceived in general terms, and that we were left to gueſs who are Britiſh ſubjects. Does it include thoſe who left this ſtate before the 19th of April, 1775, the 14th of Auguſt, 1775, or the declaration of independence on the 4th of July, 1776? The convention, that framed the government, are ſilent on this head. The legiſlature have declared, that thoſe who left this ſtate are ſubjects of this ſtate. If by the declaration of independence Britiſh ſubjects became aliens, where did the eſtate veſt between the declaration of independence and the 14th of Auguſt, 1776, when the conſtitution was framed? The principles laid down by the writers on the law of nature and nations, do not apply in the preſent inſtance. The ſubjects of an independent nation know the terms on which they purchaſed and acquired property; they purchaſed ſubject to the events of war; but Britiſh ſubjects, who acquired property here, did it agreeable to the conſtitution and laws under which they lived. For what cauſe will you take away the property of abſentees? Did they, by going away, infringe any law? Their property was acquired legally; if they infringed no law, when they went away, it would be an ex poſt facto law, and is contrary to the declaration of rights, to take their property away for that which was not an infringement of any law. The bill, therefore, eſtabliſhes an ex poſt facto law, and conſequently is contrary to the declaration of rights. It infringes the conſtitution in another inſtance, which declares, that the legiſlative, executive, and judicial powers, ſhould be kept ſeparate and diſtinct. The courts of law are to determine who are Britiſh ſubjects. If we undertake it, we violate the conſtitution, which I am ſworn not to violate.

If we cannot carry on the war without Britiſh property, our enemies will know it and continue the war, and we muſt ſoon yield. The delegates ſay, that a tax of £. 100 continental, on every hundred pounds of actual property, will ſink the old money in circulation, and defray the current expences of the year. This is but 40ſ. gold, a mere trifle. He would give 1, one half, nay the whole of his property, ſooner than fail in the preſent conteſt. There is no neceſſity for Britiſh property as a fund; it cannot give credit to the money emitted on it, becauſe a man may ſay, it will be given up at the treaty of peace, and is therefore precarious; or a tax will be laid to make a compenſation to the value. We have funds enough; taxes on luxuries would be an ample fund to ſupport the new bills of credit.

April 19, 1780.

THE ſubſcribers being appointed by Prince-George's county court to examine the records of the ſaid county, give notice, that they will attend at the court-houſe in Upper-Marlborough, on every Wedneſday, till the 20th of Auguſt next, in order to examine all ſuch deeds, &c. as may be offered them.

1 Pd w3 50 Dollars DAVID CRAUFURD, SAMUEL HEPBURN.

April 18, 1780.

TAKEN up adrift, laſt Eaſter, in South river, a large pine canoe, 27 feet long, 24 feet in the clear, with 4 row-locks, and a large locker in her ſtern; ſhe has been crack'd, and has eight knees in her ſides and one in her head, with a rope painter. The owner may have her again on proving his property and paying charges. Pd 50 Dollars

1 w3 FRANCIS WAYMAN.

LAWS of MARYLAND, paſſed November ſeſſion, 1779, may be had at the printing-office. 3

Somerſet county, April 4, 1780.

NOTICE is hereby given, that I intend to petition the next general aſſembly, for a road to lead from the main road leading from Princeſs-Anne to the lower ferry, to the plantation whereon David Megrath formerly lived, and now in the poſſeſſion of

3 8w MARY WAGGAMAN.

A PETITION will be offered to the firſt ſeſſion of the general aſſembly after this notice ſhall have been publiſhed eight weeks, for an act to empower the ſubſcriber (now a minor) to make a good and ſufficient deed of conveyance, for certain tracts of land lying in Charles county, which he inclines to make ſale of.

5 8w HARRISON MUSGRAVE.

Caroline county, Maryland, March 22, 1780.

THIS day was committed to my cuſtody a negro man named BEN, he formerly belonged to a certain Philip Wilſon, of Philadelphia. His preſent maſter is deſired to come, pay charges, and take him away.

3X HENRY DOWNES, ſheriff.

OVID.

A beautiful, high formed well bred horſe, fifteen hands high, raiſed by William Fitzhugh, Eſq; (of Marmion) and from whom he was lately purchaſed,

STANDS this ſeaſon at my plantation near Piccawaxen church, and will cover mares at one hundred pounds the ſeaſon, if paid by the firſt of Auguſt, if not 300lb. tobacco muſt be paid in lieu thereof by the firſt of January. Ovid was got by Ariſtotle, as high a bred horſe as any in America; his dam by colonel Tasker's old Othello, his grand dam by the famed and high bred imported horſe Monkey, well known for his activity and goodneſs on the turf, his great grand dam by the late ſecretary Carter's imported horſe Pompy. I have good paſturage gratis for thoſe who live at a diſtance, and great care ſhall be taken of all mares left, but will not be anſwerable for eſcapes or other accidents.

2 3w WILLIAM COURTS.

Annapolis, March 30, 1780.

THE COMMITTEE of GRIEVANCES and COURTS of JUSTICE will ſit to do buſineſs in the committee room, every day, from eleven in the forenoon till four in the afternoon, during the preſent ſeſſion of the general aſſembly.

Signed by order of the committee,

4 A. GOLDER, clk. com.

WANTED IMMEDIATELY, in the city of Annapolis,

A PERSON properly qualified to undertake the tuition of youth, in Latin, Arithmetic, and to read and write Engliſh. It is propoſed to create a fund for his ſupport, which is intended to be very liberal, and every way adequate to the times; the expences of his board will be defrayed, and a ſchool-houſe found. The number of pupils not to exceed twenty.

A proficient in the claſſics is moſt deſirable; yet ſhould no ſuch one offer himſelf in ſome ſhort time, any perſon of a good character, well qualified in the other branches above enumerated, will be accepted. Apply to

tf 4 ELIE VALLETTE.

March 4, 1780.

STOLEN out of the ſtable of the ſubſcriber, at his quarter near the city of Annapolis, on the night of the twentieth day of February laſt, a cheſnut ſorrel MARE, about thirteen hands three inches high, eight or nine years old this ſpring, flaxen mane and tail, one hind foot white, branded on the near buttock C D, paces and gallops, and carries her head when rode very low. Any perſon who will give information, or ſecure the ſaid mare ſo that the owner may have her again, ſhall receive one hundred dollars, and if brought home one hundred and fifty dollars, and any perſon ſecuring the thief, ſo as he may be brought to juſtice, ſhall receive a reward of one hundred dollars, paid by

tf 5 WILLIAM WATSON.

Office for ſtating and ſettling the public accounts, Annapolis, February 15, 1780.

THE commiſſioners having deſired the law for ſtating and ſettling the public accounts to be printed in the Maryland Gazette, think it neceſſary to give further notice, that they intend to continue ſitting every day in the ſtadt-houſe, Sundays excepted.

And as there appear many large ſums due to the public for money advanced upon contracts (and for other purpoſes) which have been in many inſtances diſregarded, the commiſſioners take this method to inform all perſons concerned, that they are determined to purſue the directions of the legiſlature, as far as in their power; that they ſhall require a ſpecific compliance with every public contract, as far as it is poſſible and equitable, and as they wiſh to prevent every unneceſſary expence and delay, ſo they hope thoſe who are intereſted will ſee the propriety and abſolute neceſſity there is for them to render their accounts, and make ſatisfaction to the public as ſpeedily as poſſible. Thoſe clerks of counties who have omitted to tranſmit liſts of ordinary licences and fines, ſince the year 1774, are requeſted to forward them; the ſheriffs indebted on thoſe or any other accounts to perfect their payments; the ſupervisors of roads, who have had money advanced from the year 1774, the committees of the counties, and in general all perſons who have public money or effects unaccounted for, will be pleaſed to take notice and comply with the requiſitions of the legiſlature.

Signed per order of the commiſſioners,

5X [illegible] GASSAWAY, Clerk.

To be SOLD by the ſubſcriber, at his dwelling plantation, on the 27th day of A 1780,

ALL the ſtock of horſes, hogs, ſheep, cattle, together with the plantation utenſils, for ready money only. As I intend leav this ſtate very ſoon, thoſe who have any dem againſt me will bring in their accounts for ſettlements, and likewiſe thoſe who are indebted him will immediately diſcharge theirs, as little indulgence will be granted by

2X ANDREW LEIPER.

WHEREAS, colonel Edward Sprigg, of Prince-George's county, deceaſed, having, by his laſt will and teſtament, directed executrix to ſell and diſpoſe of part of a tract land, lying in Frederick county, called, Addi to Piles's Delight, before the firſt day of after his deceaſe, for the payment of his and whereas his executrix, through ſickneſs inability of body, could not attend ſo as to ſale thereof by the time limited in the ſaid ſhe hereby gives this public notice, that continuance of this advertiſement eight the public papers, ſhe intends to petition neral aſſembly for an act empowering her to diſpoſe of the ſaid land, in order to her to make a final ſettlement of the eſtate of ſaid teſtator.

8w 7 MARY PINDELL, executrix.

Prince-George's county, St. Paul's pariſh, March 30, 17

WANTED a clergyman of the church England. Any gentleman who will ply and approved by the veſtry, they will to give annually twenty thouſand pounds of bacco, and the uſe of a ſmall glebe.

Signed per order,

2 (8w) LEONARD WARING, regiſter.

BADGER

COVERS at Mr. Ogle's plantation, Annapolis, at two hundred pounds ſeaſon and eight dollars the groom. He is fifteen hands one inch high, a dark gray, allowed by judges to be a fine horſe. He got by governor Eden's Badger, his dam Samuel Galloway, Eſquire's Selim, his grandam (an imported mare) by Spot, his great grandam by Cartouche, his great great grandam by Traveller, his great great great grandam Sedbury, his great great great great grandam by Childers, out of a barb mare.

Governor Eden's Badger was got by Chedworth's Boſphorus, who won ſeven plates, his dam by Othello, commonly Black and all Black, who beat lord Bajazet over the Curragh of Kildare, his grandam by the duke of Devonſhire's Flying Childers. Badger won the fifty at Guilford, and got at Epſom, the only times he ſtarted.

Good paſturage for mares at five pounds week, but I will not be anſwerable for any may be loſt.

No mare will be received, unleſs the money ſent with her.

6w 3 G. WATKINS.

Calvert county, March 8, 1780.

COMMITTED to my cuſtody as a runaway, a negro woman named Monica, appears to be about eighteen years of age, five inches high, who ſays ſhe belongs to Perry, of Montgomery county. Her maſter deſired to take her away, and pay charges to

3X GEORGE GREY, ſheriff.

NOTICE is hereby given, that by an act of aſſembly made and paſſed at a ſeſſion of aſſembly of the ſtate of Maryland, begun and held at the city of Annapolis, on the 8th day of November, 1779, the bills of credit, dated [illegible], emitted and made current by act of aſſembly, paſſed November ſeſſion, [illegible] are directed to be brought in and depoſited with the weſtern ſhore treaſurer, on or before the of June next, or thereafter irredeemable; which the holders of ſaid bills of credit may, at their option, receive either bills of exchange drawn on the truſtees of ſaid ſtate at London, or ſtate loan-office certificates, bearing an annual intereſt of ſix per cent. But if the bills of exchange, or any of them, to be drawn in purſuance of ſaid act, ſhall not be paid, the ſame ſhall be returnable, but neither the drawer or any endorſer thereof, ſhall be anſwerable for, or ſubject to pay, any damages thereon, [illegible] charges of proteſt.

N. B. [illegible] 7

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